

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CARSON PENKAVA, individually and on
behalf of those similarly situated,

Plaintiff,

v.

YAHOO! INC.,

Defendant.

Case No. 12-CV-03414-LHK

ORDER RE: STIPULATION FOR AN
EXTENSION OF TIME TO RESPOND
TO PLAINTIFF'S FIRST AMENDED
COMPLAINT AND REQUEST FOR
ORDER CHANGING TIME

On June 29, 2012, Plaintiff Carson Penkava ("Plaintiff") filed an Individual and Class Action Complaint for Declaratory Relief, Equitable Relief, and for Damages ("Complaint") against Defendant Yahoo!, Inc. ("Defendant"). ECF No. 1. On September 7, 2012, Defendant filed a Motion to Dismiss the Complaint. ECF No. 22. On September 24, 2012, Plaintiff filed a First Amended Class Action Complaint for Declaratory Relief, Equitable Relief, and for Damages ("First Amended Complaint"). ECF No. 26.

The parties have stipulated that the time by which Defendant may plead or otherwise respond to the First Amended Complaint shall be extended to and include October 30, 2012. ECF No. 31. The parties have also agreed that Plaintiff's time to oppose any pleading filed shall be extended to November 20, 2012. *Id.* Finally, the parties have agreed that Defendant's time to reply to any such opposition shall be extended to and include December 6, 2012. *Id.*

Accordingly, it is hereby ORDERED that:

1. Defendant's deadline to file a responsive pleading or otherwise respond to the First Amended Complaint shall be extended to and include October 30, 2012;
2. If Defendant files a motion in response to the First Amended Complaint, Plaintiff's deadline to oppose Defendant's motion shall be November 20, 2012, and Defendant's deadline to file a reply in support of its motion shall be December 6, 2012;
3. Defendant shall withdraw its pending Motion to Dismiss the Complaint by 10/17;
4. If Defendant intends to file a motion in response to the First Amended Complaint, Defendant shall contact the Courtroom Deputy Martha Parker Brown and request a new hearing date 24 hours in advance of filing its motion.

IT IS SO ORDERED.

Dated: October 12, 2012



LUCY H. KOH
United States District Judge